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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,735	04/19/2004	Youngtack Shim	023-020-USU	1369

7590 03/07/2006  
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CANADA

EXAMINER

LEE, CLOUD K

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/826,735	<b>Applicant(s)</b> SHIM, YOUNGTACK	
	<b>Examiner</b> Cloud K. Lee	<b>Art Unit</b> 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 6-9, 16-17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Lockwood (US Patent No. 5,408,709).

Regarding claims 1, 16-17 and 20, Lockwood discloses a fluid mixing system comprising: a shower head disposed at said downstream (Figure 1 element 14) of said junction (Figure 1, between element 15 and element 12) and configured to dispense said mixed fluid therethrough; and at least one downstream valve (Figure 1 element 12) disposed at said downstream between said junction and said shower head and configured to stop and to resume (or to regulate an amount of) (Col 3 line 6-12) said flow of said mixed fluid therethrough; Connecting a fixed shower head to a downstream spout (Figure 1); Connecting a tub spout to said downstream spout (Figure 1 element 17).

Regarding claims 2-3, Lockwood discloses a shower head as a fixed shower head (Figure 1 element 14). A portion of the downstream valve is disposed at the fixed shower head (Figure 1).

Regarding claims 6-9, said downstream valve is configured to include at least one handle (Figure 2 element 12, note: handle is defined a part to held, turned, lifted and pulled, etc. with the hand), at least one connector (element 10), and at least one actuator (element 18), wherein said handle is configured to receive external manipulation, wherein said actuator is configured to stop and to resume said flow of said mixed flow and disposed at said downstream of said junction, and wherein said connector is configured to operatively couple said handle to said actuator; Said handle is disposed at said shower head (element 18); Said handle is disposed adjacent to said upstream valve (Figure 1); Said handle is configured to be incorporated into said upstream valve (Figure 1 element 12).

3. Claims 10-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (US Patent No. 6,446,655).

Regarding claims 10, 16 and 19, Chang discloses a fluid mixing system comprising: a sink faucet (Col 1 line 7-12) disposed at said downstream of said junction (figure 2 element 30) and configured to dispense said mixed fluid therethrough; and at least one downstream valve (Figure 2 element 500) disposed at said downstream between said junction and said sink faucet and configured to stop and resume (or to regulate an amount of) said flow of said mixed fluid therethrough. Also connecting a sink faucet to said downstream spout (Figure 1).

Regarding claim 11, Chang discloses a portion of said downstream valve is disposed at said sink faucet (Figure 2 element 500).

Regarding claims 12-15, Chang discloses said downstream valve is configured to have at least one handle (Figure 2 element 510), at least one connector (element 40), and at least one actuator (Figure 2), wherein said handle is configured to receive external manipulation, wherein said actuator is configured to stop and to resume said flow of said mixed flow and disposed at said downstream of said junction, and wherein said connector is configured to operatively couple said handle to said actuator. Said handle is disposed at said faucet (Figure 2 element 510). Said handle is disposed adjacent said upstream valve (Figure 2). Said handle is configured to be incorporated into said upstream valve (Figure 2 element 410).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lockwood (US Patent No. 5,408,709) in view of Knapp (US Patent No. 6,726,003).

Regarding claims 4-5 and 18, Lockwood substantially shows the claimed subject matter but fails to disclose a shower head as a hand-held shower head.

Knapp discloses a shower head as a hand-held shower head (Figure 1 element 22) and a portion of said downstream valve is disposed at said hand-held shower head (Figure 1). Regarding the limitation of connecting a hand-held shower head to said

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downstream spout, the modified invention shows this limitation by Lockwood discloses the downstream spout. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide Lockwood with a hand-held shower head, as taught by Knapp, to adjust the height of the shower head (Col 1 line 42-45).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gloodt (US Patent No. 6,644,333) discloses a fluid mixing system comprising: a sink faucet disposed at said downstream of said junction and configured to dispense said mixed fluid therethrough.

Pasman (US Patent No. 1,809,567) discloses a fluid mixing system comprising: a sink faucet disposed at said downstream of said junction and configured to dispense said mixed fluid therethrough.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cloud K. Lee whose telephone number is (571)272-7206. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571)272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CL



**EUGENE KIM**  
**SUPERVISORY PATENT EXAMINER**